IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

WP(C).No. 18104 of 2005(E)

PETITIONER:

K.VASU, S/O.KUNJIRAMAN, AGED 63 YEARS,
RESIDING AT PALAKULANGARA MATOM,
THULAMPARAMBATHU SOUTH, HARIPPAD VILLAGE,
ALAPPUZHA DISTRICT.

BY ADV. SRI.SAJITH KUMAR V.
SRI.HAREESH.M
SMT.G.R.LEKSHMI

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO THE GOVERNMENT, DEPARTMENT OF EXCISE GOVERNMENT OF KERALA, TRIVANDRUM.

2. THE EXCISE COMMISSIONER, EXCISE COMMISSIONER OFFICE, THIRUVANANTHAPURAM.

3. THE ASSISTANT EXCISE COMMISSIONER, O/O.THE ASSISTANT COMMISSIONER, ALAPPUZHA.

4. THE JOINT ROAD TRANSPORT OFFICER, KAYAMKULAM.

5. THE TRANSPORT DEPUTY COMMISSIONER(TAXES) C/O.TRANSPORT COMMISSIONER, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. LAKSHMI NARAYANAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 18104/2005 E

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE NOTICE BY LAWYER DT. 7/7/04 ISSUED BY THE PETITIONER TO THE RESPONDENTS 2 AND 3.

EXT.P2. COPY OF THE INTERIM ORDER IN IA NO. 12769/2004 IN WPC NO. 24713/2004.

EXT.P3. COPY OF THE JUDGMENT IN WP NO. 24713/2004 DT. 10/11/2004.

EXT.P4. COPY OF THE LETTER C2/2714/2004/AK DT. 24/1/2005 BY THE R4.

EXT.P5. COPY OF THE FORWARDING LETTER NO. A6/2842/2004 DT. 22/4/05 BY THE R3.

EXT.P6. COPY OF THE COMMISSION REPORT DT. 23/07/03 BEFORE THE MUNSIFF COURT, HARIPAD.

EXT.P7. COPY OF THE LETTER NO.A 6/2842/04 DT. 26/5/04.

RESPONDENT'S EXHIBITS **NIL.**

True copy

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K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 18104 OF 2005-E

JUDGMENT

The petitioner has approached this Court, feeling aggrieved by the delay from the part of the competent authority to register a Mini Lorry, which he purchased in a public auction held by the Excise Officials. Finally, pursuant to the interim order of this Court in this writ petition, the vehicle was registered. The said registration shall be treated as regular. The petitioner points out that because of the hide and seek game played by the registering authority and the Assistant Excise Commissioner, considerable delay was occasioned in registering the vehicle and he suffered serious damages. The Assistant Excise Commissioner took the stand that all the documents necessary for the registration of the vehicle have been sent to the registering authority. On the other hand, the registering authority informed him that the documents are yet to be received. The above stand of the said officers resulted in the delay in registering the vehicle, until this Court interfered.

2. The 3rd respondent has filed a counter affidavit, denying the allegations of the petitioner.

3. As mentioned earlier, the registration granted shall be treated as

regular. If the petitioner has suffered any damages, he can move the competent civil court for recovering the same from the officers responsible for the same.

The Writ Petition is disposed of as above.

7th December, 2007. **K.BALAKRISHNAN NAIR, JUDGE**.

Nm/